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OGC HAS REVIEWED.

C. GENERAL COUNSEL

1. The General Counsel discontinues non-legal activities, such as rewriting regulations for the DD/S, and concentrate maximum effort on the development of a well organized volume of precedents and interpretations setting forth in an orderly and detailed manner the meaning and significance of the various statutes and directives applicable both to the Agency and to the intelligence community as a whole.

Several attempts have been made to eliminate regulatory review and rewriting by the Office of General Counsel, but I have found their review and rewriting on occasions has been necessary to assure that regulatory material is consistent with law. I hope, however, that new procedures will lessen considerably the non-legal aspects of the General Counsel's participation in writing regulations. With regard to providing interpretations on basic statutes and similar matters, it has been the philosophy of the General Counsel to avoid legalistic approaches to substantive intelligence problems. The important matter seems to be the basic statutory organization of the intelligence community and the place of the Director of Central Intelligence in government. The General Counsel's Office has repeatedly been involved in this fundamental and subtle problem. Legal analysis has been helpful but the development should proceed on substantive rather than legalistic lines. This allows flexibility of action without relating such action to legal interpretations which may be hampering under changing conditions. I agree with the General Counsel in his thinking that the real lack is the development of more literature on the law in intelligence which would be expounding our philosophies and legal concepts for future reference. A young lawyer in the General Counsel's Office is now concentrating in this field.

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2.

be rewritten into one basic regulation (Headquarters and Field) with a supplemental handbook issued each tax year and distributed to all Agency personnel both in Headquarters and in the Field.

The General Counsel and I feel there is merit in rewriting some of the regulations as suggested but feel that some separation may be more useful to the user than an attempt at one compilation. I am aware that considerable work remains to be done for the tax unit functions to be more effective.

EYES ONLY

SECRET

b. The General Counsel confer with the Director of Training and agree upon procedures for using the resources of the Office of Training to educate personnel, especially in the Clandestine Services, on Agency tax procedures and responsibilities.

3. The DD/S and the General Counsel explore all alternatives and arrive at a solution which will permit the retention of the present legal service within the DD/P area.
4. a. The General Counsel develop an affirmative attitude towards requests for legal advice and seek to support to the maximum the goals and objectives of operating components.

b. The General Counsel adopt a positive program of making written recommendations to the DD/S and DCI on areas within the Agency wherein procedures and operations having major legal implications may be streamlined and improved.

5. a. The DD/S review and establish in conclusive terms the specific functions which he desires the General Counsel to exercise.

The General Counsel will proceed to confer with the Director of Training to develop a more general education on tax matters.

Legal service will be provided the DD/P but location will probably not be satisfactorily resolved until we are located in the new building.

The General Counsel and I are in complete agreement with the recommendation that an affirmative attitude towards "clients" is a basic essential of a law office. From a review of past actions of the Office of the General Counsel I have found that they have seldom been unable to devise a way of meeting the requirements of clandestine activities in the field of law. However there are occasions where lawyers have to point out that law or regulation prohibits or limits proposed actions.

The General Counsel's Office does this but mainly by advice and counsel at the staff and office level. When an issue of basic policy is involved the General Counsel's Office does present his recommendations to the DCI and my office. With the staff available to the General Counsel I believe the procedure as described is sufficient.

Specific functions of the General Counsel's Office have been reviewed periodically and these functions are outlined in Agency Regulation dated 17 February 1956. My conclusion after study is that the assignment of responsibility for all legal matters arising within the Agency is the most practicable and understandable assignment and function.

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SECRET

EYES ONLY

SECRET

b. The General Counsel conduct a consumer survey of the value of the General Counsel opinions, and based thereon, re-issue such opinions in a format which clearly expresses their purpose, status and use.

c. The General Counsel develop and maintain up to date studies and briefs on all laws and court decisions bearing upon the interpretation of Executive privileges as related to the specific functions and problems of this Agency.

6. In any over-all review of top echelon assignments of responsibility within the Agency, consideration be given to returning the legislative liaison function to the General Counsel.

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The General Counsel's Office is constantly, although informally, surveying the value of their opinions and do re-issue opinions when necessary.

It is my opinion and that of the General Counsel that the General Counsel's Office has kept up-to-date studies on court opinions bearing on the specific functions and problems of the Agency.

I have never thought that it was functionally proper for the Legislative Counsel to be attached to the Inspector General's Office. However, I concurred in such organizational placement because of the unique qualifications of [redacted] personally. From a strictly functional point of view, disregarding personalities, I believe that the Legislative Counsel should be properly placed in the Office of the General Counsel, or as an alternate suggestion, named a Special Assistant to the Director. However, the latter suggestion would result in another individual reporting to the Director. This, of course, is not desirable. Also, if he were named a Special Assistant to the Director he should attend the Deputies Meetings and this, I believe, is in conflict with the principle of keeping those meetings small in size.

Although a specific recommendation was not made to attach the General Counsel's Office to the Office of the Director, it was suggested in the IG's Report that in some future over-all evaluation of the Agency's organization, consideration be given to attaching the General Counsel directly to the Office of the Director. I never have, and do not now, raise any

SECRET

EYES ONLY

objection to the General Counsel reporting to the Director. However, the attachment of Mr. Houston's office to the Office of the Director would mean one more function reporting to Mr. Dulles and this, I believe, is undesirable. Mr. Houston would render the same efficient service regardless of where he is located organizationally and therefore any such change would not be sufficiently beneficial to warrant the action.

In reply to another statement by the Inspector General, it is my judgment that Mr. Houston should attend the Deputies meetings if he is transferred to the Director's Office.

EYES ONLY

SECRET